IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 8TH MARCH 2007 / 17TH PHALGUNA 1928

Crl.MC.No. 443 of 2007()

CC.969/2004 of JUDL. MAGISTRATE OF FIRST CLASS-I, KOCHI

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PETITIONER:

PAVANA AGENCIES,
42/2418, ST. BENEDICT ROAD, ERNAKULAM,
REPRESENTED BY ITS MANAGER, P.SRIPATHI RAO.

BY ADV. SRI.BABU PAUL

RESPONDENTS:

THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 08/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.443 of 2007

Dated this the 8th day of March 2007

O R D E R

The grievance of the petitioner is that inspite of the undertaking given before this court in Crl.M.C.No.1983 of 2005 and other connected cases, prosecution against the petitioner under the provisions of the Lotteries Regulation Act is continuing unnecessarily. It is submitted that undertaking had been given on behalf of the State that no action shall be taken to prosecute the alleged offenders. The learned counsel for the petitioner points out that in other similar cases, this court had already taken the view as conceded by the Public Prosecutor that such prosecutions can be quashed. The learned counsel relies interalia on the decision in Crl.M.C.Nos.616/2006 and 1581 of 2004.

2. The learned Public Prosecutor was requested to take specific instructions. The learned Public Prosecutor, after taking specific instructions, concedes that the State has no objection in the prosecution against the petitioner also being quashed in the light of the undertaking already given.

3. I am satisfied that the prayer to quash the proceedings can now be accepted, as conceded by the learned Public Prosecutor.

4. This Criminal Miscellaneous Case is, in these circumstances, allowed. The prosecution against the petitioner in C.C.No.969/2004 before the Judicial First Class Magistrate Court-I, Kochi shall stand quashed.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006